

ATTORNEY DOCKET NO: 72216

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BURGSTALER et al.
PCT No : PCT/DE 2004/002534
Filed : May 11, 2006
For : DEVICE FOR MOUNTING...
Dated : May 11, 2006

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to initial examination, please amend the above-identified application as follows:

IN THE SPECIFICATION:

Please replace the specification originally filed, with the enclosed substitute specification. A marked up copy of the original specification is attached. Applicant states that no new matter has been added.

IN THE CLAIMS:

1. (Currently Amended) A device (1) for mounting a pedal lever (2) of a motor vehicle
~~with~~, the device comprising:

_____ a bearing block;

a pedal lever (2) mounted in a pivotingly movable manner about a pivot axis (5) that is
5 arranged at ~~[[a]]~~ said bearing block (4) and is designed as a bearing bolt (6);

~~[[-]]~~ an abutment (8) located at a spaced location from the bearing block (4); and

~~[[-]]~~ a tear-off member (9), ~~which is designed as~~ comprising a two-armed lever (10) and
is, arranged between ~~[[the]]~~ said bearing block (4) and ~~[[the]]~~ said abutment (8), characterized
~~in that the~~ said tear-off member (9), ~~which brings about the~~ for shearing off ~~[[of]]~~ the bearing
10 bolt (6) of the pedal lever (2) as a consequence of the action of an external force caused by a
crash due to a relative motion between ~~[[the]]~~ said tear-off member (9) and ~~[[the]]~~ said bearing
block (4) while a shearing force is applied, said tear-off member being ~~[[is]]~~ supported at ~~[[the]]~~
said bearing block (4) at a spaced location from ~~[[the]]~~ said pivot axis (5) of ~~[[the]]~~ said pedal
lever (2) of the bearing block (4).

2. (Currently Amended) A device in accordance with claim 1, ~~characterized in that~~
wherein the support of the tear-off member (9) ~~is designed as~~ comprises a pivotingly movable
support.

3. (Currently Amended) A device in accordance with claim 1, ~~characterized in that~~

wherein the pedal lever (2) ~~is designed as~~ comprises a pedal.

4. (Currently Amended) A device in accordance with claim 1 ~~one of the above claims~~, ~~characterized in that~~ wherein the tear-off member (9) is in contact with an arc-shaped contour (16) of the bearing block (4) in a pivotingly movable manner.

5. (Currently Amended) A device in accordance with claim 4, ~~characterized in that~~ wherein the contour (16) on the bearing block (4) has an arc-shaped design with a convex arch.

6. (Currently Amended) A device in accordance with claim 4 ~~or 5~~, ~~characterized in that~~ wherein the tear-off member (9) has a concave arch (14) that is complementary to the contour (16) of the bearing block (4).

7. (Currently Amended) A device in accordance with ~~one of the above claims~~ claim 1, ~~characterized in that~~ wherein the tear-off member (9) is designed as a profiled part with two lateral legs (12).

8. (Currently Amended) A device in accordance with claim 7, ~~characterized in that~~ wherein the tear-off member (9) is designed as a deep-drawn part.

9. (Currently Amended) A device in accordance with claim 7 ~~or 8~~, ~~characterized in that~~

wherein the lateral legs (12) of the profiled part are in contact with the pedal lever (2) in a positive-locking manner in the immediate vicinity of the pivot axis (5) of the pedal lever (2).

10. (Currently Amended) A device in accordance with claim 1 ~~one of the claims 7 through 9~~, ~~characterized in that~~ wherein the tear-off member (9) designed as a profiled part is in contact with the abutment (8) in a positive-locking manner.

11. (Currently Amended) A device in accordance with claim 10, ~~characterized in that~~ wherein the tear-off member (9) is in contact with the abutment (8) such that the abutment (8) dips into a recess (13) between the lateral legs (12) of the tear-off member (9) and is surrounded by the legs (12) in a positive-locking manner.

12. (Currently Amended) A device in accordance with ~~one of the above claims~~ claim 1, ~~characterized in that~~ wherein the abutment (8) is arranged on a stationary vehicle crossrail (7).

13. (Currently Amended) A device in accordance with ~~one of the above claims~~ claim 1, ~~characterized in that~~ wherein the bearing bolt (6) has at least one said predetermined breaking point (22).

14. (Currently Amended) A device in accordance with ~~one of the above claims~~ claim 1, ~~characterized in that~~ wherein the tear-off member (9) has a securing means for mounting on the

bearing block (4).

15. (Currently Amended) A device in accordance with ~~one of the above claims~~ claim 1, ~~characterized in that~~ wherein the device (1) for mounting the pedal lever (2) of a motor vehicle is designed as a preassembled module with the tear-off member (9).

16. (New) A pedal lever mounting arrangement comprising:

a bearing block;

a bearing bolt supported by said bearing block to define a pivot axis;

a pedal lever mounted in a pivotingly movable manner to said a bearing bolt;

a vehicle abutment part located at a spaced location from said bearing block; and

a tear-off member arranged between said bearing block and said abutment for shearing said bearing bolt as a consequence of the action of an external force causing a relative motion between said tear-off member and said bearing block, said tear-off member being supported at said bearing block at a spaced location from said pivot axis.

17. (New) A device in accordance with claim 16, wherein said tear-off member is supported pivotingly movably.

18. (New) A device in accordance with claim 17 wherein the tear-off member is in contact with an arc-shaped contour of said bearing block in a pivotingly movable manner.

19. (New) A device in accordance with claim 18, wherein a contour of said bearing block has an arc-shape with a convex arch.

20. (New) A device in accordance with claim 19, wherein said tear-off member has a concave arch that is complementary to the contour of said bearing block.

REMARKS

Claims 1 through 20 are in this application and are presented for consideration. Claims 1 through 20 have been amended. The amended claims present the same subject matter as the original claims but have been amended to adapt them to the U. S. style. The new claims present subject matter similar to the original claims, but in a different form.

The specification and claims have been amended in order to place this application in better form. The reference to claims in the specification has been deleted or amended. Appropriate headings have been added. No new matter has been added.

Favorable action on the merits is respectfully requested.

Respectfully submitted
for Applicant,



By: _____
John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.

JJM:jj/
72216-1

Enclosed: Substitute Specification and Marked up copy of Translation

DATED: May 11, 2006
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-

0410.